

Autopsy outrage

PROBE

OF TOT

DEATH

ERROR

By TOM MASHBERG

Attorney General Tom Reilly has determined that an infant's eyes were mishandled during a 2002 autopsy, sources said, and yesterday launched a first-of-its-kind criminal probe into the Office of the Chief Medical Examiner.

"Any time we have this level of apparent breach in the chain of evidence, we have to be very concerned," said a law enforcement source on condition of anonymity.

Law enforcement sources said yes-

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Infant autopsy error sparks criminal probe of state M.E.'s office

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terday the probe focuses on whether the medical examiner's office purposefully or accidentally ordered the examination of the wrong set of eyes when looking into whether the dead child was a victim of shaken-baby syndrome or died of undetermined natural causes.

The sources said Norfolk County investigators discovered the discrepancy in the eyes when reviewing the autopsy report. The report declared the death a sudden infant death syndrome case and the office saw no cause for prosecution.

Eyes are crucial to determining shaken-baby syndrome due to the hemorrhaging, blood pooling and unnatural folding and wrinkling of tissue behind the eyes commonly found in such cases. The discovery of such evidence likely would have triggered a murder investigation.

Generally, law enforcement officials said, when body parts such as eyes are removed, they are placed in a jar or sack, tagged with the number of the case and refrigerated for later examination.

Mixing or confusing evidence in a medical examiner's office can have a devastating impact not only on a specific case but also on the overall credibility of the department. Both the FBI Crime Lab in Washington, D.C., and the Los Angeles County Medical Examiner's Office suffered huge blows after reports arose of sloppily handled evidence.

In a statement, Reilly's office said it is "conducting a comprehensive criminal investigation into the circumstances surrounding the autopsy and the M.E.'s investigation into the death of an infant in Norfolk County in 2002." The probe began about two weeks ago.

Norfolk County officials confirmed they brought the matter to Reilly, citing the "multi-jurisdictional" nature of the medical examiner's office cases.

A law enforcement source said any error by the medical examiner's office is a severe matter.

"In all such cases by statute, the cause and manner of death is established by the M.E.'s office," the source said. "We need them to sign off on whether a death should be looked into as foul play."

Sources said as many as three physicians from the medical examiner's office may have been involved in the autopsy of the infant, whose identity has been withheld by law enforcement.

They include Dr. Alexander Chirkov, who conducted the initial autopsy; Dr. Richard J. Evans, who as chief medical examiner would have signed off on Chirkov's findings; and Dr. William M. Zane, who sources said might have had a role in assisting with the case.

Investigators have yet to determine whose eyes were sent from the medical examiner's office to either Massachusetts General Hospital or Children's Hospital for a post-mortem exam, sources said. The medical examiner's office, which according to formal reviews is overworked and underfunded, often relies on outside expertise when probing organs in an



HERALD FILE PHOTO

UNDER FIRE: Dr. Richard J. Evans, acting chief of the medical examiner's office, may have been involved in the infant's autopsy.

unexplained death.

None of the doctors who might be involved in the case could be reached for comment yesterday.

Two sources familiar with the autopsy on the child said Cherkov initially ruled the death as "undetermined" and classified it as a SIDS case in August 2002.

The sources said Evans, who has been serving as acting chief of the medical examiner's office since earlier this year, asked some time later that the case be re-examined as a possible abuse case.

The sources said it was uncertain whether Evans, who specializes in brain injuries, removed the eyes or asked Cherkov or Zane to do so. It is possible, the sources said, that the eyes were never removed before burial. It is also uncertain, the sources said, who might have tagged the eyes examined in the case or sent the wrong eyes out for testing.

The probe is another blow to a medical examiner's office that was once a national model for forensic work.

In 2000, the National Association of Medical Examiners, or NAME, refused to certify the office because of a lack of physicians and equipment and inadequate funding per autopsy. The office's half-dozen doctors handle more than 200 autopsies a year.

In 2001, a report commissioned by the Executive Office of Public Safety, which oversees the medical examiner's office, found that the presence in the office of a contingent of state police officials, and a separate contingent of staffers employed by an organ procurement agency, created severe "conflicts of interest."

Last year, the Florida-based National Forensic Science Technology Center also assailed the office.

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